**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO.96 OF 2005
IN
EXECUTION APPLICATION NO.146 OF 2004
IN
SUM.SUIT NO.208 OF 2002

Khimji Teja Jitiya. ..Plaintiff.

V/s.

Mavji Teja Jitiya & Anr. ..Defendants.

Mr.B.M.Vyas for plaintiff.

Mr.Piyush Shah i/b Vinod Tayde for Defendants.

**CORAM: A.M.KHANWILKAR,J**

**DATE : AUGUST 22, 2005.**

**P.C. :**

1. Counsel for the plaintiff fairly submits that as defendant No.1 has already deposited sum of Rs.75,000/- in this court, Chamber Summons may be disposed of, on the understanding that the plaintiff will not proceed with the execution further till the disposal of the Notice of Motion. In case, the Notice of Motion succeeds, the order of attachment will stand vacated without inviting further order from this court. If Notice of Motion fails, it will be open to the plaintiff to revive the execution proceedings, if so advised.

2. Chamber summons disposed of in the above terms.

3. Liberty to apply before the appropriate bench for expeditious hearing of Notice of Motion.

4. It will be open to the plaintiff to apply for withdrawal of amount after the Notice of Motion is disposed of in favour of the plaintiff.